

BILL ANALYSIS

Senate Research Center

H.B. 1989
By: Rodriguez (Madla)
Natural Resources
6-21-95
Enrolled

BACKGROUND

Presently, state law allows state water to be appropriated, stored, or diverted for any beneficial use as mandated by the Texas Water Code, Section 11.023(b), which outlines the purposes for which water may be appropriated and used. This broad authorization becomes limited if the proposed use of the state water is to recharge the portions of the Edwards Aquifer under Kinney, Uvalde, Medina, Bexar, Comal, and Hays counties as cited in Sections 11.023(c) and (d), Water Code.

PURPOSE

As enrolled, H.B. 1989 provides for the underground storage of appropriated water incidental to a beneficial use.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth legislative findings in relation to underground storage of appropriated water incidental to a beneficial use.

SECTION 2. Amends Chapter 11D, Water Code, by adding Sections 11.153, 11.154, and 11.155, as follows:

Sec. 11.153. PILOT PROJECTS FOR STORAGE OF APPROPRIATED WATER IN AQUIFERS. (a) Requires the Natural Resource Conservation Commission (commission) to investigate the feasibility of storing appropriated water in various types of aquifers around the state by encouraging the issuance of temporary or term permits for pilot demonstration projects for the storage of appropriated water for subsequent retrieval and beneficial use in certain aquifers.

(b) Sets forth requirements for a permit described by Subsection (a).

(c) Authorizes a permit holder, at the conclusion of a pilot project, to file an appropriate application for a permit or a permit amendment. Requires the commission, after considering the success of a project, to determine whether to issue a permit or permit amendment authorizing the continued storage of the appropriated water in the aquifer.

(d) Prohibits a final order granting a permit or permit amendment authorizing the storage of appropriated water for subsequent beneficial use, other than for pilot projects, from being issued before June 1, 1999.

(e) Requires the Texas Water Development Board (board) to participate in the study of the pilot projects authorized by Subsection (a). Provides that the pilot projects are eligible for grants from the water loan assistance fund established by Section 15.101. Authorizes the board to authorize use of money from the research and planning fund established by Section 15.402 to participate in the study of pilot projects.

Sec. 11.154. PERMITS TO STORE APPROPRIATED WATER IN AQUIFERS. (a) Sets forth provisions required to be included in an application filed with the commission to undertake a pilot project under Section 11.153.

(b)(1) Sets forth requirements for an applicant applying for a permit or permit amendment to store appropriated water in an underground reservoir or a subdivision of an underground water reservoir that is under the jurisdiction of an underground water conservation district (permit).

(2) Requires the commission to require that any agreement the applicant reaches with the district that has jurisdiction over the reservoir or subdivision regarding the terms for the injection, storage, and withdrawal of appropriated water be included as a condition of the permit or permit amendment.

(c) Requires the commission, on completion of a pilot project and receipt of an appropriate permit or permit amendment application, to evaluate the success of the pilot project. Sets forth the issues the commission must consider for the purposes of issuing a final order granting a permit or permit amendment authorizing the storage of appropriated water incident to a beneficial use.

(d) Sets forth the relevant facts the commission may consider in making its evaluation.

(e) Requires a permit to store appropriated water in an underground water reservoir or subdivision to provide as a condition of the permit that the permit holder register specific kinds of wells and provide reports to districts.

Sec. 11.155. AQUIFER STORAGE PILOT PROJECT REPORTS. (a) Requires the board and the commission, on completion of each pilot project, to jointly prepare a report evaluating the success of the project; and provide copies of the report to the governor, lieutenant governor, and speaker of the house of representatives.

(b) Requires the board to make other studies, investigations, and surveys of the aquifers in the state as it considers necessary to determine the occurrence, quantity, quality, and availability of other aquifers in which water may be stored and subsequently retrieved for beneficial use. Sets forth the order of priority in which the board is required to undertake the studies, investigations, and surveys.

(c) Sets forth information for a report the board is required, no later than January 1 of each odd-numbered year, to prepare and provide to the legislature.

SECTION 3. Makes application of this Act prospective.

SECTION 4 Emergency clause.
Effective date: upon passage.